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District of Hawaii

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UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 07 2001  
at 7 o'clock and 20 min. P.M.  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANNIE N. KUNG, (01))  
MARIA DE FATIMA CHEUNG, (02))  
aka "Fannie," )

Defendants. )

CR. NO.

**CR01-00225**

**DAE**

INDICTMENT

[8 U.S.C. § 1324(a)(1)(A)  
(iii), (iv), (v)(I),  
(B)(1), and § 1324(b)]

INDICTMENT

COUNT 1

The Grand Jury charges that:

Between on or about March 1, 2001, and continuing to on  
or about May 29, 2001, in the District of Hawaii, the Defendants,  
ANNIE N. KUNG, and MARIA DE FATIMA CHEUNG, and others known and

unknown to the Grand Jury, did knowingly and willfully combine, conspire, confederate, and agree together and with each other, to commit offenses against the United States, namely:

(A) knowingly and in reckless disregard of the fact that an alien has come to, entered, and remains in the United States in violation of law, conceals, harbors, and shields from detention in any place, including any building or any means of transportation; and

(B) encourages and induces an alien to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be in violation of law;

Acts which violates Title 8, United States Code, Sections 1324(a)(1)(A)(iii), and 1324(a)(1)(A)(iv).

OVERT ACTS

In furtherance of the conspiracy and to effect the object of the conspiracy, the following overt acts, among others, were committed in District of Hawaii and elsewhere:

1. On or before March 27, 2001, Defendant MARIA DE FATIMA CHEUNG, aka "Fannie," solicited aliens, identified herein as W.F.U. and others, and who were residents from Hong Kong, China, to come to the District of Hawaii and to work in a night club known as "Club Paris."

2. On or before March 27, 2001, Defendant ANNIE N. KUNG, solicited aliens, identified herein as W.F.U. and others, and who were residents from Hong Kong, China, to come to the District of Hawaii and to work in a night club known as "Club Paris."

3. Between on or about March 15, 2001, and on or about March 27, 2001, Defendant ANNIE N. KUNG paid a deposit for the rental of a dwelling on Auld Lane, Honolulu, Hawaii, which was to be used to house illegal aliens who were to be arriving in the District of Hawaii on or about March 27, 2001.

4. On or about March 27, 2001, Defendants ANNIE N. KUNG and MARIA DE FATIMA CHEUNG, aka "Fannie," picked up three female aliens, identified herein as W.F.U., W.K.H., and F.S.L., at the Honolulu International Airport, and drove them in a 2001 Mercedes Benz automobile to a dwelling on Auld Lane, Honolulu, Hawaii, which was to house the aliens during their stay in the District of Hawaii.

5. Between on or about March 27, 2001 and on or about May 29, 2001, Defendants ANNIE N. KUNG and MARIA DE FATIMA CHEUNG, aka "Fannie," did employ, schedule work, and pay three female aliens, identified herein as W.F.U., W.K.H., and F.S.L., at Club Paris, located in Honolulu, Hawaii.

6. Between on or about March 27, 2001 and on or about May 29, 2001, Defendant ANNIE N. KUNG did use her vehicle, namely, a

2001 Mercedes Benz, to drive three female aliens, identified herein as W.F.U., W.K.H., and F.S.L., to and from Club Paris, located in Honolulu, Hawaii.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNT 2

The Grand Jury further charges that:

On or before March 27, 2001, in the District of Hawaii and elsewhere, ANNIE N. KUNG, and MARIA DE FATIMA CHEUNG, aka "Fannie," defendants herein, did encourage and induce aliens, identified herein as W.F.U., W.K.H., and F.S.L., to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be in violation of law.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

COUNT 3

The Grand Jury further charges that:

Between on or about March 27, 2001, and on or about May 29, 2001, in the District of Hawaii, MARIA DE FATIMA CHEUNG, aka "Fannie," defendant herein, knowing and in reckless disregard of the fact that aliens, identified herein as W.F.U., W.K.H., and F.S.L., had come to, entered, and remained in the United States

in violation of law, did conceal, harbor, and shield from detection, such aliens in a building, located on Auld Lane in Honolulu, Hawaii.

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii).

COUNT 4

The Grand Jury further charges that:

Between on or about March 27, 2001, and on or about May 29, 2001, in the District of Hawaii, ANNIE N. KUNG, defendant herein, knowing and in reckless disregard of the fact that aliens identified herein as W.F.U., W.K.H., and F.S.L., have come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, such aliens in a building, located on Auld Lane, Honolulu, Hawaii, for the purpose of commercial advantage or private financial gain.

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iii) and (a)(1)(B)(1).

COUNT 5

The Grand Jury further charges that:

As a result of committing the offenses alleged in Count 1 of this Indictment, Defendant ANNIE N. KUNG shall forfeit to the United States, pursuant to 8 U.S.C. § 1324(b)(1) and 28 U.S.C. § 2461(c), any and all conveyances, including any vessel,

vehicle, or aircraft, that has been or is being used in the commission of a violation of 8 U.S.C. § 1324(a), the gross proceeds of such offense, and any and all property traceable to such conveyance or proceeds, including but not limited to:

One (1) black 2001 Mercedes Benz C320 four-door sedan bearing Hawaii license plate number 8822 and vehicle identification number WDBRF64J91F021339.

If any of the above-described forfeitable property, as a result of any act or omission of the Defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of the Defendant up to the value of the above forfeitable property.

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All in violation of Title 8, United States Code,  
Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(iv),  
1324(a)(1)(A)(v)(I) and 1324(b).

DATED: June 7, 2001 at Honolulu, Hawaii.

A TRUE BILL

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~~FOR~~ PERSON, GRAND JURY U

  
ELLIOT ENOKI  
UNITED STATES ATTORNEY

  
EDWARD H. KUBO, JR.  
ASSISTANT U.S. ATTORNEY

United States v. Annie N. Kung, et al.;  
Cr. No. \_\_\_\_\_  
INDICTMENT